

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

POWER BUYING DEALERS USA, INC., a)	
Delaware corporation; CR@ZY US LLC, a North)	
Carolina limited liability company; and POWER)	Case No. 1:21-cv-3154
ENERGY CORPORATION, a Delaware corporation,)	
)	Judge Sharon J. Coleman
Plaintiffs,)	
)	Magistrate Judge Jeffrey T. Gilbert
v.)	
)	
JUUL LABS, INC., a Delaware corporation, and)	
HS WHOLESALE, LIMITED, an Illinois corporation,)	
)	
Defendants.)	

**DEFENDANTS JUUL LABS INC.'S AND HS WHOLESALE, LIMITED'S
RENEWED JOINT MOTION TO DISMISS ALL CLAIMS OF PLAINTIFFS
CR@ZY US, LLC AND POWER ENERGY CORPORATION**

Defendants Juul Labs, Inc. (“JLI”) and HS Wholesale, Limited (“HSW”), by their respective undersigned counsels, hereby submit this renewed motion to dismiss with prejudice all claims asserted against them by Plaintiffs Cr@zy Us, LLC (“Crazy Us”) and Power Energy Corporation (“Power Energy”) (collectively, the “Non-Purchaser Plaintiffs”), pursuant to Fed. R. Civ. P. 12(b)(6).¹ In support of this Motion Defendants state as follows:

1. Defendants originally filed a Motion to Dismiss All Claims of Plaintiffs Cr@zy Us and Power Energy on January 18, 2022. (Dkt. #61). This motion sought dismissal of Cr@zy Us and Power Energy, based on Plaintiffs' First Amended Complaint, filed on December 15, 2021. (Dkt. #52). Defendants' motion was fully briefed by both parties. (*See* Dkt. #62, 72, 81).

¹ Defendants initially submitted a Renewed Joint Motion to Dismiss on September 9, 2022. (Dkt. #117). Per the Court's instruction in its oral ruling on September 14, 2022, Defendants hereby re-submit their Renewed Motion, with an updated Memorandum of Law concurrently filed.

2. On May 23, 2022, after briefing was completed, but before the Court ruled on the motion, Plaintiffs' original counsel withdrew from this matter. (Dkt. #98).

3. On July 29, 2022, following the appearance of Plaintiffs' present counsel, the Court took the fully-briefed motion to dismiss the First Amended Complaint under advisement. (Dkt. #106).

4. On August 19, 2022, while the motion to dismiss the First Amended Complaint was under advisement with the Court, Plaintiffs filed a Second Amended Complaint. (Dkt. #112).

5. As of the instant Motion, Defendants' original Motion to Dismiss (Dkt. #61) has not been ruled upon by this Honorable Court, but the Second Amended Complaint contains the same defective allegations and claims made by the Non-Purchaser Plaintiffs' in the First Amended Complaint. (*Compare* Dkt. #52 and Dkt. #112).

6. Defendants bring this *Renewed* Motion to Dismiss, seeking to dismiss all claims of Cr@zy Us and Power Energy in the Second Amended Complaint.

7. Through the First Amended Complaint (Dkt. #52) and now through the Second Amended Complaint (Dkt. #112), Plaintiff Power Buying Dealers USA, Inc. ("PBD") seeks to bring the two additional Non-Purchaser Plaintiffs into this case based on alleged injuries to those parties that are wholly derivative of PBD's alleged antitrust injury. As described in the attached Memorandum of Law, the Non-Purchaser Plaintiffs do not state plausible claims for violations of the Robinson-Patman Act, nor do their allegations establish standing to sue JLI or HSW under antitrust law, based on the factors in *Associated General Contractors of California v. California State Council of Carpenters*, 459 U.S. 519 (1983).

WHEREFORE, JLI and HSW respectfully request that the Court dismiss all of Cr@zy Us's and Power Energy's claims in the Second Amended Complaint.

Dated: September 14, 2022

Respectfully submitted,

Juul Labs, Inc.

HS Wholesale, Limited

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CERTIFICATE OF SERVICE

I, Lauren M. Loew, an attorney, certify that on September 14, 2022 I caused the foregoing **DEFENDANTS JUUL LABS INC.'S AND HS WHOLESALE, LIMITED'S RENEWED MOTION TO DISMISS ALL CLAIMS OF PLAINTIFFS CR@ZY US, LLC AND POWER ENERGY CORPORATION** to be filed with the Clerk of the Court using the CM/ECF system for the District Court of the Northern District of Illinois, which will send an electronic copy of the foregoing to counsel of record and constitutes service pursuant to Local Rule 5.9 of the Northern District of Illinois.

/s/ *Lauren M. Loew*

Lauren M. Loew